

ARTICLE VII: DEFINITIONS	VII-2
78-700 RULES FOR INTERPRETATION	VII-2
(A) Meanings and Intent	VII-2
(B) Instances of Inconsistency.....	VII-2
(C) Lists and Examples.....	VII-2
(D) Computation of Time	VII-2
(E) References to Other Regulations/Publications.....	VII-2
(F) Technical and Non-Technical Terms.....	VII-2
(G) Public Officials and Agencies	VII-2
(H) Mandatory and Discretionary Terms	VII-3
(I) Conjunctions.....	VII-3
(J) Tenses, Plurals, and Gender.....	VII-3
78-701 DEFINITIONS.....	VII-3

ARTICLE VII: DEFINITIONS

78-700 RULES FOR INTERPRETATION

The following rules shall apply for construing or interpreting the terms and provisions of this Chapter.

(A) Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Chapter shall be construed according to the general purposes set forth in Section 78-102, *General Purpose*, and the specific purpose statements set forth throughout this Chapter. When a specific section of this Chapter gives a different meaning than the general definition provided in this Article VII: *Definitions*, the specific section's meaning and application of the term shall control.

(B) Instances of Inconsistency

In the event of a conflict or inconsistency between the text of this Chapter and any, caption, figure, illustration, table, or map, the text shall control.

(C) Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

(D) Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the Town. References to days are calendar days unless otherwise stated.

(E) References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

(F) Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(G) Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the Town of Herndon, unless otherwise indicated.

(H) Mandatory and Discretionary Terms

The words "shall," and "must" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

(I) Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1) "And" indicates that all connected items, conditions, provisions or events apply; and
- (2) "Or" indicates that one or more of the connected items, conditions, provisions or events apply.

(J) Tenses, Plurals, and Gender

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

78-701 DEFINITIONS

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section.

ACCESSORY BUILDING	A subordinate building located on the same lot as the principal building, or a portion of the principal building, the use of which is clearly incidental but customarily associated with the principal building.
ACCESSORY DWELLING UNIT	See "Dwelling Unit, Accessory"
ACCESSORY FOOD PREPARATION AREA	An area other than the primary kitchen, that is provided with <u>or constructed to accommodate either of the following items or a combination of the following items:</u> <u>(1) A cooking appliance or food heating unit that is permanently installed with a dedicated circuit;</u> <u>(2) Any of two of the following features: refrigerator of any kind, sink, portable cooking or food heating units, or other feature such as a trash compactor, garbage disposal, dish washer, etc.</u> (1) refrigerator of any kind, (2) sink, (3) cooking appliance or food heating unit.
ACCESSORY USE	A use that is clearly incidental to and customarily associated with the principal use. An accessory use shall be located on the same lot as the principal use. When "accessory" is used in the text, it shall have the same meaning as "accessory use."
<u>ACT OF GOD</u>	<u>An act attributable to nature without human interference and not preventable by any human agency. For example, damage from a flood, tornado or a lightning strike would be considered an act of God. (See also "casualty.")</u>
ADMINISTRATIVE	An action described in the Town Code, Section 78-202(E), <i>Administrative Adjustments</i> .

ADJUSTMENT (BY THE ZONING ADMINISTRATOR)	
ADMINISTRATIVE WAIVER	An action as described in provisions for the Chesapeake Bay Preservation Area Overlay District, Section 78-304(D) of the Town Code.
AGGREGATE AREA OR WIDTH	The sum of two or more designated areas of widths to be measured, limited or determined under the provisions of this chapter.
ALLEY	A narrow public thoroughfare not exceeding 20 feet in width which provides only a secondary means of vehicular access to abutting properties and is not intended for general traffic circulation.
ALTERATION	Any change in the total floor area, use, adaptability or external appearance of an existing structure. Any act or process that changes one or more of the exterior architectural features of a building or structure including but not limited to, construction, reconstruction, renovation, and restoration of any structure excluding new construction.
AMUSEMENT ARCADE	An establishment in which four or more amusement machines are available for operation for the amusement of the general public. In no event shall an amusement arcade be considered an accessory use.
AMUSEMENT MACHINE	Any mechanical, electronic and/or coin-operated game machine and/or device available for operation for the amusement of the general public. This definition shall not be construed to include coin-operated music players, commonly referred to as jukeboxes, coin-operated rides for children, coin-operated vending machines that merely dispense cigarettes, candy, gum, soft drinks, and toys or like products.
ANIMAL HOSPITAL	A facility for the provision of surgical or other medical treatment for small domestic animals (dogs, cats, birds, <u>and the like etc.</u>) The small domestic animals may be kept in the facility overnight during the recovery period, while under medical treatment. Animals may be boarded at an animal hospital, provided the boarding area is indoors, and does not exceed over 15 percent of the gross floor area of the animal hospital.
ANIMAL SHELTER	A facility not operated for profit where stray or unwanted animals are brought and kept for eventual placement with permanent caretakers or humane disposition by euthanasia.
ANTENNAE (EXCEPT COMMERCIAL COMMUNICATION ANTENNAE)	Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips, but not including satellite earth stations.
APARTMENT	See "Dwelling, multiple-family."
APARTMENT HOUSE	See "Dwelling, multiple-family."
ARCHITECTURAL CONTROL DISTRICTS	All land areas in the town which are zoned other than single-family detached residential are hereby designated as architectural control districts. Also, any lot, parcel or area of land within any district zoned for single-family detached residences, which is used for other than a single-family detached residence, <u>or which is the subject of an application for a special</u>

exception or building permit involving any such use, is designated an architectural control district.

AREAS ZONED FOR RESIDENTIAL USE	All areas of the town which have been zoned to a zoning classification which permits one or more residential dwelling units. In any case in which a street serves as the boundary between an area zoned for residential use and an area zoned for another use, then the centerline of that street shall be considered as the boundary between the area zoned for residential use and the area zoned for another use. See also "Residential District."
ARTIST'S STUDIO	The workshop of an artist, writer, or craftsperson, including a place where a maximum of five members of the public come to receive instruction from an artist, to sit for portraits or to purchase works from the artist. Includes retail sales of fine art. See also "School, Special Instruction."
ASSISTED LIVING FOR THE ELDERLY AND PERSONS WITH DISABILITIES	A facility for persons who are unable to live independently and that provides (a) private living quarters, which may include kitchen facilities limited to a sink, refrigerator and/or microwave, (b) supervision and general care, including but not limited to the provision of meals, housekeeping, health care, and (c) assistance with moderate activities of daily living.
AUDITORIUM	A building or part of a building used for an assembly hall with seating for an audience of 100 or more persons before a stage, podium, or other focal area for presentations by live speakers or audio-visual media.
AVERAGE DAILY TRIPS	The number of vehicular trips generated by or associated with an existing or proposed use of land over a twenty-four hour period.
BASE FLOOD ELEVATION (BFE)	The Federal Emergency Management Agency designated 100-year water surface elevation.
BASEMENT	That portion of a building between the floor and ceiling which is wholly or partly below grade and having more than one-half of its height below grade. [For purposes of Flood Insurance or administration of the Floodplain Overlay District: any area of the building having its floor sub grade (below ground level) on all sides.]
<u>BED AND BREAKFAST ESTABLISHMENT</u>	<u>An operator- or owner-occupied residence that provides lodging with breakfast as a commercial enterprise.</u>
BERM	An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent land uses.
BEST MANAGEMENT PRACTICES (BMP)	Water quality control measures described in the Fairfax County Public Facilities § 6-0000 et seq. The term BMP refers to a practice, or combination of practices, which has been determined by the Director of Public Works to be the most effective practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.
BILLIARDS PARLOR	An indoor commercial establishment with four or more billiards tables and equipment for playing billiards for use by members of the public.

BIORETENTION	On-lot retention of stormwater through the use of vegetated depressions and other facilities that are engineered to collect, store, infiltrate, filter, evaporate, and detain runoff close to its source. Rain gardens and bioretention filters are types of bioretention.
BOARD	May refer to the board of zoning appeals, the architectural review board, or the heritage preservation review board of the town, <u>where the context so indicates.</u>
BOARDING HOUSE	A building other than a hotel or apartment hotel where for compensation or by prearrangement for definite periods, meals or lodging and meals, or lodging are provided on a commercial basis for three or more persons, but not exceeding 20 persons.
BOWLING ALLEY	An indoor commercial establishment with multiple lanes and equipment for bowling for use by members of the public.
BREEZEWAY	A structure entirely open except for roof and supporting columns which connects a residence and an accessory building on the same lot.
BUFFER	An area of land that: (a) typically includes landscaping, berms, walls, fences, setbacks and required yards; (b) is located between land uses of different character; and (c) is intended to mitigate negative impacts of the more intense use on a less intense use or vacant parcel. (See also Section 78-503, <i>Site Landscaping</i> , for buffer requirements.)
<u>BUFFER AREA</u>	<u>For purposes of the Chesapeake Bay Preservation Overlay District, an area of natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbance.</u>
BUILDABLE WIDTH	The width of that part of a lot not included within the open spaces required by this chapter.
BUILDING	A structure that is enclosed and isolated by a roof and exterior walls and used for shelter, support, or enclosure as a residence, business, industry, or other public or private purpose, or accessory thereto, the construction of which may require a building permit under the Uniform Statewide Building Code.
BUILDING, COMPLETELY ENCLOSED	Any building having no outside openings other than ordinary doors, windows or ventilators
<u>BUILDING, DETACHED</u>	<u>A building surrounded by open space on the same lot.</u>
BUILDING ELEVATION	See "Elevation Drawings."
BUILDING, DETACHED	A building surrounded by open space on the same lot.
BUILDING FOOTPRINT	The area of a lot or a site included within the surrounding exterior walls of a building or portion of a building, exclusive of courtyards.
BUILDING FRONTAGE	The liner distance of a building, measured along the exterior wall which faces a public right-of-way abutting the parcel of land on which the building is located.
BUILDING, HEIGHT	The vertical distance, from the grade to: (1) the highest point of the coping of a flat roof; (2) the deck line of a mansard roof; (3) to the mean height level between <u>the highest ridge and its highest associated</u> eaves and ridge for gable, hip and gambrel roofs. See also "Grade."
BUILDING, MAIN	Any building which is not an accessory building.

BUS MAINTENANCE FACILITY FOR PUBLIC BUS SERVICE	A facility for maintaining and servicing vehicles that are designed for carrying more than nine passengers over roadways and that are operated directly or indirectly by a governmental entity for use by the general public without restrictions. This term shall not include the storage of vehicles for other than maintenance and servicing.
BUSINESS DISTRICTS	The Central Commercial Zoning District (CC), Commercial Services Zoning District (CS), Office and Light Industrial Zoning District (O&LI), and Planned Development – Business Zoning District (PD-B).
BUSINESS	[from Town of Herndon Town Code S. 30-211] A course of dealing which requires the time, attention and labor of the person so engaged for the purpose of earning a livelihood or profit. It implies a continuous and regular course of dealing, rather than an irregular or isolated transaction. A person may be engaged in more than one business. The following acts shall create a rebuttable presumption that a person is engaged in a business: (1) Advertising or otherwise holding oneself out to the public as being engaged in a particular business; or (2) Filing tax returns, schedules and documents that are required only of persons engaged in a trade or business.
CALIPER	A horticultural method of measuring the diameter of a tree trunk for the purpose of determining size. The caliper of the trunk is measured six inches above the ground for trees up to and including four inches in diameter, 12 inches above the ground for trees greater than four inches up to 12 inches in diameter, and at breast height (4.5 feet) for trees greater than 12 inches in diameter.
CANOPY TREE	A tree which has an expected height at maturity greater than 30 feet and which produces significant shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped. See also “Tree Canopy.”
CAR WASH	See “Vehicle Wash” and “Temporary Vehicle Washes by Civic and Nonprofit Organizations.”
CASUALTY	An event, <u>including natural disaster or other act of God</u> , that is sudden, unexpected, and unusual, such as a hurricane, earthquake, fire, <u>war, terrorism</u> , flood, <u>accident, vandalism</u> , theft, or similar event that causes <u>injury, death, or</u> loss or damage to property or improvements. <u>See also “Natural disaster or other act of God.”</u>
CEMETERY	Land used or dedicated to the interment of human or animal remains, including crematoriums, mausoleums, and related maintenance facilities.
<u>CERTIFICATE OF APPROPRIATENESS</u>	<u>A certificate issued by the heritage preservation review board or on appeal by the town council, indicating its approval of plans for alterations, construction, removal or demolition of a landmark or of a building or structure within a preservation district.</u>
<u>CHESAPEAKE BAY PRESERVATION AREA (CBPA)</u>	<u>Any land designated by the town pursuant to part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, § 9 VAC 10-20-10 et seq., and Code of Virginia § 10.1-2107. A CBPA shall consist of the resource protection area (RPA) and the resource management area (RMA). The abbreviated “CBPA” and “CBPAOD” (Chesapeake Bay preservation area overlay district) shall be used interchangeably where the context does not indicate otherwise.</u>

CHILD CARE CENTER OR DAY CARE CENTER	A nonresidential facility that, for compensation, provides care for children who are under the age of 14 years old and who do not stay overnight at the facility. The facility may provide for limited instruction. A child care center shall not include a business operated as a home occupation, public or private schools organized, operated or approved under state laws, or churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services, activities or meetings.
CHILD CARE OR DAY CARE AT HOME	See "Home-Based Business, Child Care or Day Care"
CIVIC OR NONPROFIT ORGANIZATION	Any land use activity associated with a private nonprofit organization, such as not-for-profit organizations, corporations, community chest, funds, foundations, or an organization exempt from taxation under Section 501(C) of the Internal Revenue Code, and having a principal place of business in this state or another state.
CLINIC	An office building or a group of offices for one or more physicians, surgeons or dentists, engaged in treating the sick or injured but not including rooms for abiding patients.
CLUB, PRIVATE	Buildings and facilities owned or operated by a corporation, association or persons for a social, educational or recreational purpose, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily carried on as a business.
COLLECTOR STREET	A street so designated on the adopted major thoroughfare plan of the town, and within the territorial jurisdiction of such plan.
COMMERCIAL COMMUNICATION TOWER	See "Communication Tower, Freestanding" or "Communication Tower, Roof-Mounted"
COMMERCIAL DISTRICTS	See "Business Districts"
COMMERCIAL PRINTING	Facilities for reproduction of printed matter on a wholesale scale beyond ordinary photocopying production. Commercial printing includes publishing, engraving, and lithography.
COMMERCIAL RECREATION/ ENTERTAINMENT, INDOOR	Facilities that offer participatory or spectator recreation or entertainment activities to the public, including billiards parlors, bowling alleys, enclosed dancehalls, enclosed skating rinks, and enclosed swimming pools, but not including theaters or amusement arcades.
COMMERCIAL VEHICLE	See "Vehicle, Commercial."
COMMISSION	The planning commission of the town.
COMMON AREA	Land and facilities within a development which are intended to be used or enjoyed in common by the residents or owners of the development including, but not limited to, driveways, parking areas, sidewalks, walkways, recreation facilities, trash facilities, lighting, community buildings and open space. Such common areas are owned, maintained and regulated by an organization created by covenants running with the land that comprises the development.

COMMUNICATION TOWER, FREESTANDING	A monopole or lattice structure that: (a) is erected on the ground; (b) may be supported by guy wires, ground anchors or other means of support; (c) may transmit or receive signals by radio, electromagnetic, optical, or other means; (d) is used by commercial, governmental, or other public or quasi-public users; (e) does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the Federal Communications Commission; (f) is non-staffed; (g) may include antennas, microwave dishes, horns or similar types of equipment, towers or similar accessory structures supporting such equipment; and (h) may include an equipment cabinet and a wall or security barrier.
COMMUNICATION TOWER, ROOF-MOUNTED	A structure placed on a building used primarily for the support of cellular telephone technology, broadcast and/or receiving equipment and utilized by commercial, governmental, or other public or quasi-public users. A communication tower does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the Federal Communications Commission.
COMMUNICATION/TRANSMISSION WAREHOUSING	A facility where computer hard drives are stored for web-hosting or other mass storage of electronic information, also known as "data warehousing," or an electronic switching center for telecommunications. A communication/transmission warehousing use is characterized by structures that are primarily occupied by technical and electronic equipment, with a small number of employees present to service the equipment. Traffic to and from a communication/transmission warehousing use typically involves minimal vehicle traffic for day-to-day operations, with fiber optic cables or other electronic communications media instead serving as the primary means of connecting the functions of the use to customers and others.
COMMUNITY CENTER	Community Center: a place, structure, hall or other facility used for and providing fraternal, cultural, social, educational or recreational programs or activities, open to the public or a designated part of the public.
COMPREHENSIVE PLAN AMENDMENT	An action to amend the Town's comprehensive plan adopted by the Town Council, and initiated other than by a motion of the Town Council.
CONFERENCE CENTER	A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. The accommodations can include sleeping, eating, and recreation.
CONNECTIVITY	The relative degree of connection between streets, sidewalks, or other means of travel.
CONSTRUCTION PLAN	Any drawing used for the construction of any phase of on-site or off-site improvements. Construction plans may include, but are not limited to, site plans, subdivision site plans, single lot development plans, grading plans, plans, profiles and cross sections.
CONSTRUCTION-RELATED ACTIVITIES	Temporary activities that typically accompany and support work at a site that is undergoing development and construction. Temporary construction-related activities may include construction offices, indoor and outdoor storage, fencing, portable toilets and parking
CONSTRUCTION, NEW	<u>(a) For heritage preservation purposes, any construction within a preservation district which is independent and exclusive of an existing building or structure or part thereof in the preservation district.</u> <u>(b) For floodplain management purposes, "new construction" means structures for which</u>

“start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

CONTINUATION OF PUBLIC HEARING	As described in the Herndon Town Code, Section 78-201(M)(2), <i>Continuation of Public Hearing</i> .
CONTINUOUS VISUAL SCREEN	Screening of vehicular use areas by vegetative material, berm, or structures (walls and fences), or a combination of these items designed to completely obstruct off-site views of the vehicular use area typically to a height four feet (48 inches) above the adjacent grade.
CONTRACTOR'S MATERIALS	A specialized collection of items often in an establishment for the wholesaling or rental of building supplies or equipment primarily to contractors or the building trades. This use type includes lumberyards, tool and equipment sales or rental establishments, building contractor's yards, and electrical, heating, lumber, and plumbing supply stores to the wholesale trade.
CONVALESCENT HOME	A building where regular nursing care is provided for more than one person not a member of the family which resides on the premises.
CONVENIENCE STORE	An establishment, not exceeding 3,500 square feet of gross floor area, engaged in the retail sale of food, beverages, and other frequently or recurrently needed items for household use.
CONVENIENCE STORE WITH GAS SALES	An establishment, not exceeding 3,500 square feet of gross floor area, engaged in the retail sale of food, beverages, and other frequently or recurrently needed items for household use, and which includes accessory gasoline sales.
COVERAGE, LOT	The percentage of the lot covered by buildings or structures.
CRITICAL ROOT ZONE	An underground area extending laterally in all four cardinal directions from the base of a tree's trunk to a distance typically 1 1/2 times larger than the perimeter of the tree's drip-line.
CULTURAL CENTER OR FACILITY	A facility established for the purpose of educating and entertaining members of the public about art, history, heritage, folkways, music, theater, or other social and cultural matters. A cultural center may include areas for exhibit space, classrooms or seminar rooms, auditoriums, and offices.
CUSTOMER UTILITY SERVICE	All of those wires, conduits, pipes, cables and appurtenant equipment located between the distribution line and the wall of the building occupied by customer in the case of an electric power, telephone, telegrapher cable television system and all of those conduits, pipes and appurtenant equipment located between the street main and the wall of the building occupied by a customer in the case of gas, water, steam, petroleum or sewer system.
DAY CARE CENTER	See "Child Care Center or Day Care Center."
DAY CARE HOME	See "Home Based Business, Child Care or Day Care"
DECK	A roofless balcony, platform, porch or terrace, and associated stairs, attached to an outer wall of a dwelling and having no enclosure other than the sides of the dwelling to which it is attached, and a minimum safety railing as required by the Town's building code.

DENSITY, GROSS	The number of dwelling units on a particular tract or parcel of land divided by the entire area of that tract or parcel. Density is expressed as “dwellings per acre.” <u>See also “intensity.”</u>
DENSITY, NET	The number of dwelling units on a particular tract or parcel of land divided by the area of that tract or parcel remaining after subtracting land that is dedicated. Density is expressed as “dwellings per acre.”
DEVELOPMENT	The construction, reconstruction, remodeling, conversion, structural alteration, relocation, enlargement, or demolition of any structure, portion of a structure, or sign; any change in use of a property, building, or structure, or material change in the appearance of any structure; any increase in the number of dwelling units, businesses, manufacturing establishments, or offices; <u>any construction or substantial alteration of institutional, recreational, transportation or utility facilities or structures</u> ; any mining, excavation, filling, grading, paving, or land disturbance; and any act of subdivision of land.
DIAMETER AT BREAST HEIGHT (DBH)	The measurement of the diameter of a tree trunk over 12 inches in diameter taken at a height of 4.5 feet above the ground.
DISTRIBUTION CENTER	See “Warehouse (storage).”
DISTRICT, ZONING	A classification of land under the jurisdiction of the Town to regulate, restrict, permit, prohibit, and determine: the use of land, buildings, structures and other premises for agricultural, business, industrial, residential, flood plain and other specific uses; the size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures; the areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used; or excavation activities. See Code of Virginia, §§15.2-2280 and 15.2-2281.
DOWNTOWN	The land encompassed within sectors 1 through 6 of the Herndon Downtown Overlay policy area, as described in the Herndon 2010 Comprehensive Plan, adopted June 19, 1990.
DRIVE-IN (NOT DRIVE-THROUGH) WINDOW SERVICE	A term used to describe an establishment designed or operated to serve a patron while seated in an automobile parked in an off-street parking space
DRIVE-THROUGH SERVICE	A portion of an establishment designed and operated, in whole or in part, to serve or accommodate patrons while they are seated in an automobile on the premises.
DRIVEWAY.	A private road connecting one or more houses, garages or other buildings with the street.
DRY CLEANING AND LAUNDRY PLANTS	A commercial facility where linens, clothing, or other cloth or leather goods are cleaned by solvent processes, water washing, or other cleaning processes, but not including self-service laundromats or retail locations where such goods are dropped off by members of the general public for delivery to a central facility where cleaning occurs.

DRY-CLEANING/ LAUNDRY DROP-OFF AND PICK-UP WITHOUT ON-SITE CLEANING, LAUNDROMATS	A use where articles or goods of fabric are dropped off and picked up by customers and are sent to a different location for cleaning and pressing. See also "Laundromats."
DUPLEX	See Dwelling, Two Family.
DURABLE GOODS SALES	Establishments that display and offer for retail sale, rental, or lease durable goods, including major household appliances; electrical, heating, cooling, and plumbing supplies; lumber and wood; carpet, flooring, and floor coverings; office equipment and supply; and medical equipment and supply; but not including contractors' materials establishments.
DWELLING	Any building or portion thereof, designed or used for residential purposes, but not trailers or mobile homes.
DWELLING UNIT	A single unit providing complete, independent living facilities for a single family, including provisions for living, sleeping, eating, sanitation. See "Family."
DWELLING, ACCESSORY	A dwelling unit established within the same structure or in an accessory structure and clearly subordinate to an existing single-family dwelling unit.
DWELLING, DUPLEX	See "Dwelling, Two-Family."
DWELLING, MULTI-FAMILY	A building designed for or occupied exclusively by three or more families living independently of each other.
DWELLING, QUADRUPLEX	A building designed for and occupied by four families living independently of each other. For purposes of this chapter, a quadruplex is a type of multi-family dwelling.
DWELLING, RENTAL TOWNHOUSE RESIDENTIAL DEVELOPMENT	A housing development in which the owner leases each townhouse unit to tenants. These developments are rental properties and function like an apartment complex or other multi-family residential, rental commercial property. For purposes of this chapter, a rental townhouse residential development is a type of multi-family dwelling, subject to all associated standards and restrictions.
DWELLING, SINGLE-FAMILY DETACHED	A building designed for not more than one dwelling unit, not physically attached to any other principal structure.
DWELLING, TOWNHOUSE	A row of two or more single-family attached dwelling units of at least two floors, separate from one another by party walls without doors, windows or other provisions for human passage or visibility through such walls from basement to roof. The roofs of townhouse dwellings may extend from one such townhouse dwelling unit to another. Typically, each townhouse unit is located on an individual lot.

DWELLING, TWO-FAMILY	A building designed exclusively for two dwelling units on a single lot, each with their own exterior entrance at grade. Also known as a “duplex.”
EASEMENT	A grant by the property owner to the public, a corporation, or other person or persons for the right to use an identifiable piece of land for specified purposes, such as for access or utilities.
EDUCATIONAL INSTITUTION	See “Post Secondary Education and Career Schools”.
ELECTRICAL SUBSTATION	An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for purposes of switching or modifying the characteristics to meet the needs of the general public, provide that in residential districts an electric substation shall not include rotating equipment, storage of materials, trucks or repair facilities, housing of repair crews, or office or place of business.
ELECTRONIC WAREHOUSING	A telecommunication carrier facility containing equipment for telecommunications use including switches, routers, operation centers, and other infrastructure critical for internet servers, data firms fiber-optic cable, and other technology providers.
ELEVATION	The height in feet above the mean sea level, reference to the National Geodetic Vertical Datum.
ELEVATION DRAWINGS	A fully dimensioned drawing of the front, rear or side of a building showing features such as windows, doors, siding, and relationship of grade to floor level.
EXCEPTION	An action as described in provisions for the Chesapeake Bay Preservation Area Overlay District, Section 78-304(D)(13) of the Herndon Town Code.
EXISTING CONSTRUCTION	For purposes of flood insurance and administration of the Flood Plain Overlay District: for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”
FACADE	That portion of any exterior wall of a building extending from grade to top of the parapet, wall or eaves and the entire width of the building elevation.
FAÇADE, FRONT	Those portions of a façade which face and are most closely parallel to the front lot line.
FAMILY	<p>A person living alone, or any of the following groups conforming to the limitations in Section 78-401(B)(4)(d), <i>Dwelling Unit Occupancy</i>, living together as a single nonprofit and non-commercial housekeeping unit, and sharing common living, sleeping, cooking and eating facilities:</p> <p>(1) Subject to the limitations in Section 78-401(B)(4)(d), any number of persons all of whom are related to the second degree of consanguinity by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship, as verified by official public records such as drivers licenses, birth or marriage certificates; or by affidavits. The zoning administrator may require an affidavit in this regard and may reject any such evidence not in the form of an affidavit; or</p> <p>(2) Up to four persons not all related to one another to the second degree of consanguinity by blood, adoption, guardianship, or other duly-authorized custodial relationship, as verified by official public records such as drivers licenses, birth or marriage certificates; or by affidavits. The zoning administrator may require an affidavit in this regard and may reject any</p>

such evidence not in the form of an affidavit; or

(3) Subject to the limitations in Section 78-401(B)(4)(d), two unrelated persons and any children related to either of them, as verified by official public records such as drivers licenses, birth or marriage certificates; or by affidavits. The zoning administrator may require an affidavit in this regard and may reject any such evidence not in the form of an affidavit; or

(4) Not more than eight persons who are:

a. Residents of a residential facility as defined in § 15.2-2291, Code of Virginia, or;

b. "Handicapped" as defined in the Fair Housing Act, 42 USC § 3602(h) and this ordinance. This definition does not include persons currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 USC § 802 (6).

Subject to the limitations in Section 78-401(B)(4)(d) the following shall not be included in the number of persons who might comprise a family: up to two (overall) persons who may be servants (or one servant and one minor child of the servant), live-in companions to the elderly or disabled, or "au pair" employees (except for families described under subparagraph (2), definition of "family"). Under the last sentence no more than two such persons, of whatever such nature, may be excluded from the number of persons who might comprise a family. Any one claiming a servant, live-in companion to the elderly or disabled, or "au-pair" employee status for an occupant or for one's self must first verify to the zoning administrator the existence of a bona fide employment relationship by a copy of a record, such as an employment contract, a federal I-9 form, a tax return, or an affidavit.

FAR	See "Floor Area Ratio (F.A.R.)"
FENCE	A freestanding, tangible barrier constructed of any allowable materials erected on the ground and rising above ground level for the purpose(s) of: confinement, security, protection, preventing uncontrolled access, or screening (visual, acoustic, or both) of materials stored, operations conducted, or activities occurring behind it.
FINANCIAL INSTITUTION	Banks, <u>savings and loan institutions</u> , credit unions, and investment or brokerage services <u>and other financial services</u> having a public lobby or customer service area open for business at regular hours.
<u>FLOODPLAIN</u>	<u>See one hundred year floodplain.</u>
FLOODPLAIN STUDY	Hydrology study and related floodplain information prepared using topographic base maps, hydrologic analyses, and hydraulic calculations to arrive at precise water surface profiles and floodplain delineations. See also Chapter 26 and Chapter 70 of the Herndon Town Code.
FLOODWAY	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
FLOOR AREA	(1) <u>Commercial business and industrial buildings or buildings containing mixed uses</u> : the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including: (a) attic space providing headroom of less than seven feet; (b) basement space not used for retailing; (c) Uncovered steps of fire escapes; (d) accessory water towers or cooling towers; (e) accessory off-street parking spaces; and (f) accessory off-street loading berths. (2) <u>Residential buildings</u> : the sum of the gross horizontal areas of the several stories of a

dwelling, exclusive of garages, ~~basements~~, decks, and open porches. The gross horizontal areas shall be measured from the exterior faces of the exterior walls.

FLOOR AREA RATIO	A quotient which is determined by dividing the total floor area of all buildings-on a lot, by the gross area of the lot. Atriums not designed for occupancy and not occupied, and parking structures, both above and below grade, are excluded from the computation of floor area ratio.
FOOTCANDLE	A unit of illumination measuring the amount of light that falls onto a surface as emitted by an exterior lighting device.
FREEBOARD	A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.
FREESTANDING SIGN	See "Sign, Freestanding."
FRONTAGE	For a parcel or lot that The boundary of a lot or parcel which abuts street, common area parcel or other defined land area. (1) Street frontage means all of the property on one side of street between two intersecting streets (crossing or termination), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on inside between an intersecting street and the dead end of the street; (2) Lot frontage means the distance for which the front boundary line of the lot and the street line are coincident; (3) Building frontage means, except as provided in section 78-508(E) dealing with wall signs in the industrial-general district, the linear distance of a building, measured along the exterior wall which faces a public right-of-way abutting the parcel of land on which the building is located; 4) Establishment frontage means the linear distance of that portion of a building facade measured from centerline to centerline of walls which separate individual businesses.
FULL CUT-OFF LENS	An artificial outdoor lighting fixture designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.
FUNERAL HOME	An establishment for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.
GARAGE AND/OR YARD SALES	The sale, other than retail sales or wholesale for business, of personal property during an event conducted on residential premises in any residential zoning district, including all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sale.
GARAGE, (RESIDENTIAL, PRIVATE)	An accessory building, with doors not exceeding nine feet in height, designed or used for the storage of up to three non-commercial vehicles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-family dwelling, the private garage may be designed and used for the storage of one and one half times as many automobiles as there are dwelling units.
GLAZING	The portion of an exterior building surface occupied by glass or windows.

GOLF COURSE	A tract of land laid out with a course having nine or more holes for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges that are not accessory to a golf course.
GOVERNING BODY (OF THE TOWN)	The town council of the Town of Herndon.
GOVERNMENT BUILDINGS, FACILITIES AND USES NOT OTHERWISE CATEGORIZED	Any facility owned or operated, by an agency of local, regional, state or federal government, including but not limited to any government building, <u>structure</u> , facility, park, golf course, cemetery, public works yard, maintenance, storage, and fueling facilities, playground, parking facility, or <u>other</u> use. other than office uses.
GRADE	(1) For buildings having a wall adjoining one street only, <u>the grade</u> is the elevation of the sidewalk at the center of the wall adjoining the street. (2) For buildings having a wall adjoining more than one street, the grade is the average elevation of the sidewalk at the centers of all walls adjoining the streets. (3) For buildings having no wall adjoining the street, the grade is the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall parallel to or within ten degrees of being parallel to, and not more than 15 feet from a street line is to be considered as adjoining the street. Sidewalk grades shall be established by the town engineer.
GRADING PLAN	A drawing and associated information sealed by a Virginia registered professional engineer showing existing and proposed topography, environmental controls, demolition, and proposed alterations to the land. May be referred to as “over lot grading” and “rough grading plan” in this Chapter and Chapter 26 of the Herndon Town Code.
GREEN SPACE	Permeable land area that is planted or landscaped with non-invasive plant species in accordance with provisions throughout this Chapter.
GROUND COVER	Any non-invasive living plant designed to grow low to the ground (generally one foot or less) and intended to stabilize soils and protect against erosion.
GROUP HOME	In accordance with the Code of Virginia Section 15.2-2291, a residential facility for which the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services is the licensing authority and in which no more than eight mentally ill, mentally retarded, or developmentally disabled persons reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in the Code of Virginia § 54.1-3401.
HEALTH CARE FACILITY	A facility providing medical, dental, psychiatric, or surgical service exclusively on an outpatient basis, including emergency treatment, diagnostic services, treatment including alternative treatments or therapies, training, administration.
HEALTH CARE LABORATORY	A facility that is designed or equipped for collection, testing and analysis of samples or specimens for the purpose of diagnosing medical or dental conditions, but not including inpatient or outpatient clinical or treatment facilities such as hospitals or clinics.

HEALTH CLUB	An establishment, which may include saunas and steam baths, offering or providing facilities for, and instruction in, general health, physical fitness and controlled exercises such as weight lifting, calisthenics, and aerobic dancing. The facility may be used by member or nonmembers. This term shall not be deemed to include a SCHOOL OF SPECIAL INSTRUCTION.
HEIGHT OF BUILDING	See "Building, Height" and "Grade."
HERITAGE PRESERVATION DISTRICT	<u>Preservation districts shall be designated by town council. Preservation district boundaries shall encompass and may include areas adjacent to historic landmarks.</u>
HIGHLY ERODIBLE SOILS	<u>Soils with an erodibility index from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined as the product of the formula, $RKLS/T$, in which R is the rainfall and runoff; K is the soil susceptibility to water erosion in the surface layer; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.</u>
HISTORIC LANDMARKS	<u>any areas designated by the town council as areas containing buildings or places in which historic events occurred or as having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation, and any building or structures designated by the town council as having an important historic, architectural or cultural interest.</u>
HISTORIC STRUCTURE	For purposes of flood insurance and administration of the Flood Plain Overlay District: any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior ; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.
HOME-BASED BUSINESS	A business that is conducted (a) within a dwelling unit which is the principal and bona fide residence of the practitioner or practitioners of the business and (b) in accordance with the provisions of Article IV, Use Regulations.
HOME-BASED BUSINESS, DAYCARE OR CHILDCARE	A dwelling in which a permanent occupant of the dwelling provides for the care of up to five children or adults, in accordance with the provisions for Home-Based Businesses in Article IV, Use Regulations. Those receiving care are not all related to the occupant or to each other by blood or marriage and are not the legal wards or foster children of the attendant adults, and do not reside on the site.
HOSPITAL	An establishment providing services for surgery and surgical care, in-patient medical, out-patient medical, and the care of sick or injured persons. A hospital may include related facilities such as laboratories, out-patient services, training facilities, central service facilities, and staff offices, provided the related facility is incidental and subordinate to the principal hospital use and is an integral part of the hospital operation.

HOTEL (INCLUDING EXTENDED STAY HOTELS)	An establishment containing 50 or more separate and distinct sleeping rooms or suites that contain at least one private bath, are offered to the general public for rental, and are occupied by persons on primarily transient basis such that most occupants stay in the building for no longer longer than one week at a time. A hotel may contain restaurants, ballrooms, banquet halls and meeting and conference rooms. A hotel may also contain a retail sales area provided that the articles sold therein are of such nature as to accommodate or comfort persons in transit. A hotel and/or the parcel on which hotel is located may contain pools, saunas and/or other recreational facilities utilized primarily by persons occupying sleeping rooms or suites in the building.
HOUSING FOR THE ELDERLY	A residential development that is limited to occupancy by elderly persons or persons with disabilities as defined in the Federal Fair Housing Amendments Act of 1988 (as amended). Such a facility shall provide (a) dwelling units with complete kitchen facilities, (b) supportive services such as meals, personal emergency response systems, recreation and transportation services, and (c) features of adaptable design specified in 24 CFR 100.205(c)(2)-(3).
ILLUMINATED TUBING	Neon or other internally illuminated tubing designed to convey a commercial message, or provide a decorative outline of windows, building lines or trees.
IMPERVIOUS SURFACE	A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to roofs, buildings, streets, parking areas, and any concrete, asphalt or compacted gravel area and similar ground coverings. Any material that prevents, impedes, or slows infiltration or absorption of storm water directly into the ground as compared to the rate of absorption of vegetation-bearing soils. Such materials may include but are not limited to: buildings, asphalt, concrete, brick, paving block, gravel, and other surfaces. See also "Paved Surface."
INDUSTRIAL DISTRICTS	See "Business Districts."
INDUSTRIAL SERVICE USES, ALL OTHER	Businesses, other than scientific research and scientific development or dry cleaning and laundry plants, that are engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products. Such businesses may include but are not limited to welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; building, heating, plumbing or electrical contractors; bulk and direct mail insertion and sealing; document production, printing, engraving, commercial publishing and lithography; exterminators; janitorial and building maintenance services; establishments for the mechanical cleaning of garments, articles or goods of fabric; linen or diaper cleaning service establishment; or photo-finishing laboratories.
INFILL SITE	Any vacant lot or parcel where at least 80 percent of the surrounding land has been developed, and where water, sewer, streets, sidewalks, storm drainage, schools, and fire protection have already been developed and are provided. <i>See also "Redevelopment"</i>
INN	A building or complex of buildings containing at least five, but no more than 49, separate and distinct sleeping rooms or suites that do not contain cooking or eating facilities, that are offered to the general public for rental and that are occupied by persons on primarily a transient basis, such that most occupants stay in the establishment for no longer than one week at a time. Meals may be prepared for and provided to the occupants of an inn within a centralized cooking and dining area in the inn.

<u>INTENSELY DEVELOPED AREA (IDA)</u>	<u>An area designated by the CBPA map for existing development and infill sites at the original adoption date of this article on October 23, 1990, in which development is concentrated and little of the natural environmental remains. IDAs are generally characterized by at least one of the following:</u> <u>(1) Development has severely altered the natural state of the area such that it has more than 50 percent impervious surface;</u> <u>(2) Public sewer and water systems, or a constructed stormwater drainage system, or both, have been constructed and serve the area by the original adoption date of this article;</u> <u>(3) The condition in item (2) does not include areas planned for public sewer and water or constructed stormwater drainage systems. For the purposes of this definition, any property within 500 feet of public sewer and water is considered served by public sewer and water; or</u> <u>(4) Housing density is equal to or greater than four dwelling units per acre.</u>
<u>INTENSITY</u>	<u>The level of concentration of activity occurring on a site or in an area, usually expressed for commercial sites as "floor area ratio." Intensity is sometimes used interchangeably with density. See also "density" and "Floor area ratio."</u>
<u>INTERMITTENT STREAM</u>	<u>A watercourse that flows in a well-defined channel during some seasons of the year but not the entire year.</u>
KENNEL	A place or establishment in which more than three animals, more than one year of age, are kept, bred, raised, trained, boarded or handled for a fee.
KITCHEN	An area that is used or designated to be used as an element of an independent dwelling unit for the preparation of food and that contains a sink, refrigerator, or food heating unit. See also "Accessory Food Preparation Area."
LAND DISTURBING ACTIVITY	<u>For purposes of the Chesapeake Bay Preservation Overlay District, any activity that causes, contributes to or results in the removal or covering of vegetation on land that may result in soil erosion from water or wind and the movement of sediments into Virginia waters or onto lands in the town. Such activities include clearing, grading, excavating, transporting and filling of land (including construction of all single-family houses, septic tanks, drain fields, but otherwise as defined in Code of Virginia, § 10.1-560). This term shall not include minor activities such as home gardening, planting of trees and shrubs and home maintenance. See also Section 26-48, <i>Definitions</i>, of the Herndon Town Code.</u>
LAND DISTURBING PERMIT	See Section 26-48, <i>Definitions</i> , of the Herndon Town Code.
LAUNDROMAT	An establishment that provides self-service type washing, drying and ironing facilities for the use of retail customers.
LEVEL OF SERVICE (TRAFFIC)	A quantitative measure of traffic congestion identified by a letter scale which indicates the relative free flow of traffic with no delays, where the higher the number of delays, the "higher" the alphabetic indicator.
LIBRARY	A publicly-operated facility housing a collection of books, magazines, audio and video tapes, or other media for borrowing and use by the general public.

LIGHT MANUFACTURING USES	Businesses that are engaged in the production of products, the mechanical transformation of predominantly previously prepared materials into new products, or the assembly of component parts and the creation of products for sale. Activities may include the production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing, lithography or bulk production of printed material distributed by commercial vehicles; design and development of computers; production and repair of communication equipment, precision items, and other electrical items; assembly of pre-fabricated parts; manufacture of electronics or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; production of apparel; and making of signs.
LIVESTOCK	Horses, ponies, donkeys, cattle, sheep, goats, swine and other hoofed animals.
LOADING SPACE OR LOADING BERTH	A space within the main or accessory building or on the same or adjacent lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of 12 feet by 35 feet and a vertical clearance of at least 14 feet.
LOT LINE	The legal boundary line of a lot.
LOT LINE ADJUSTMENT	A plat that may be used under certain specified circumstances as a method for making minor revisions to property lines between two or more existing lots or parcels. The Lot Line Adjustment is not a procedure for subdividing property. A lot line adjustment is sometimes called a boundary line adjustment.
LOT	Any lawfully created parcel of land, excepting property dedicated to public street purposes.
LOT WIDTH	The distance between the side lot lines measured at the required front yard line.
LOT, AREA	The total area included within the lot lines of a lot.
LOT, CORNER	A lot located at the intersection of two or more streets.
LOT, DEPTH OF	The mean horizontal distance between the front and rear lot lines.
LOT, INTERIOR	A lot other than a corner lot with only one street frontage.
LOT, PIPESTEM	A narrow elongated portion of a lot which has as its predominant purpose providing access from a public right-of-way to the house or garage located on the lot.
LOT, REVERSED FRONTAGE	A lot in which the frontages at right angles to the general pattern in the area involved. Reversed frontage lot may also be a corner lot or an interior lot.
LOT, THROUGH	An interior lot having frontages on two streets.
LOWEST FLOOR	For purposes of flood insurance and administration of the Flood Plain Overlay District: The lowest floor of the lowest enclosed area (including basement).
MAILING AND PACKING SERVICE	An establishment providing mailing, packing, and parcel shipping services for individual retail customers who may deliver and pick up items at the establishment on a walk-in basis. Mailing and packing service may include accessory photocopying machines or services. Mailing and packing service does not include installations of the United States Postal Service, express shipping company distribution and collection facilities, facilities that pack and ship materials on a wholesale basis, or commercial printing, publishing, engraving, and

lithography establishments.

MASTER SIGN PLAN	A comprehensive building facade and sign program for a multi-establishment building or development specifying design details for building facades and signs requiring a permit which are to be displayed within the development or on the building, whether freestanding, wall, window or arcade. Design details shall include facade design, colors, materials, sign type, sign placement and location, lettering style, size, and color, height, or attachment method. A master sign plan shall be effective upon approval by the architectural review board or heritage preservation review board.
MAXIMUM EXTENT PRACTICABLE	No feasible or practical alternative exists, as determined by Town staff, and all possible efforts to comply with the regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factoring determining "maximum extent practicable".
MEDICAL AND DENTAL LABORATORIES	See "Health care laboratory."
MINI-WAREHOUSE	See "Self-Service Storage."
MINOR UTILITIES	Small-scale facilities serving a local area, such as pumping stations for water or sewer, hydrants, storm water detention facilities, generators for backup power, electrical transformers and similar equipment in structures that are no larger than 100 square feet and ten feet in height.
MODIFICATION	An action for planned developments and described in the Town Code, Section 78-303(A)(7)(d), <i>Modification of Requirements</i> .
MORTUARY	An establishment for the storage of human bodies prior to their burial or cremation.
MOTEL	A building or group of buildings on one parcel of land containing 50 or more separate and distinct living or sleeping quarters, each quarter containing at least one private bath, which quarters are offered to the general public for rental for more than nominal compensation and are occupied by persons on primarily a transient basis, such that most occupants stay in the building for no longer than one week at a time. A motel and/or the parcel on which a motel is located may contain pools, saunas, and/or other recreational facilities utilized primarily by persons currently occupying living or sleeping quarters in the motel.
MOTOR VEHICLE	This term is defined in § 46.2-100, Code of Virginia (1950), as amended, and as may be amended from time to time.
MULTI-FAMILY DWELLING	See "Dwelling, Multi-Family."
MUNICIPAL PERFORMING ARTS FACILITY	Any building or structure operated by the municipality, to provide a service to the public such as, but not limited to, performing arts, <u>visual arts</u> , public assembly or governmental service.

MUSEUM, FINE ARTS CENTER	A building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, that is designed to be used for members of the public for loaning or viewing, with or without an admission charge.
NEW CONSTRUCTION	For floodplain management purposes, "new construction" means structures for which "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
NATURAL DISASTER OR OTHER ACT OF GOD	<u>An act attributable to nature without human interference and not preventable by any human agency. For example, damage from a flood, tornado or a lightning strike would be considered a natural disaster or other act of God. (See also "casualty.")</u>
NONCONFORMING LOT	An otherwise legally platted lot, or an otherwise legally created parcel, in existence on and after July 1, 2006, that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either at the effective date of this chapter, July 1, 2006, or as a result of subsequent amendments to the chapter. Such an otherwise legally platted lot or parcel that does conform to the minimum area and width requirements, but does not conform to other requirements of this chapter, is a conforming lot and shall not be treated as a nonconforming lot.
NONCONFORMING STRUCTURE	An otherwise legal building or structure that does not conform with the yard, height, lot coverage, parking or other development regulations of this chapter, for the district in which it is located, either at the effective date of this chapter, July 1, 2006, or as a result of subsequent amendments to the chapter.
NONCONFORMING USE	The otherwise legally established use of a building, structure or tract of land, which has been continued but that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of this chapter, July 1, 2006, or as result of subsequent amendments to the chapter.
NONCONFORMITY	The use or development of land, building(s), structure(s), or lot(s), which was lawful at the time of enactment or amendment of zoning regulations but is not in conformity with this Chapter or an amendment.
NONPOINT SOURCE POLLUTION	<u>Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.</u>
NONPROFIT ORGANIZATION	See "Civic and Nonprofit Organizations."
NONTIDAL WETLANDS	<u>those wetlands other than tidal wetlands that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act, in 33 CFR 328.3b.</u>
NOXIOUS WEEDS	<u>Johnson grass, kudzu, poison ivy, ragweed, poison oak, poison sumac, purple loosestrife, multiflora rose, Japanese honeysuckle, mil-a-minute vine and any other species hereinafter</u>

identified on the list of "Invasive Alien Plant Species of Virginia," compiled by the Virginia Department of Conservation and Recreation.

OCCUPANCY, RESIDENTIAL	Use of a building or structure as a dwelling unit or place of abode.
OCCUPANT	Any person who is an individual 18 years of age or older, living or sleeping in a building; or having possession of a space within a building.
OFFICE	Any room studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis, demographic and market research, technical or academic consulting, or the conduct of a business by sales, sales representatives or manufacturer's representatives, or the conduct of a business by professionals such as engineers, architects, land surveyors, planners, artists, musicians, lawyers, real estate brokers, insurance agents, or landscape architects. Office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products, or the sale and/or delivery of any materials good or products which are physically located on the premises. An office shall not be deemed to include a health care facility, a health laboratory, or a veterinary clinic.
<u>ONE HUNDRED YEAR FLOODPLAIN</u>	<u>All lands that would be inundated by floodwater as a result of a storm event of a one hundred year return interval.</u>
OPEN SPACE	Land which is not occupied by a building, parking or loading space, vehicular travel lane, driveway, street, or sidewalk in the public right-of-way; <u>also areas, whether in the public right-of-way or on private land, that meet Village Street provisions as described in section 78-504.</u> Open space may contain landscaping, walks, paths, trails, plazas, stormwater management facilities provided as a landscape amenity, play equipment, pools, basketball courts, and the like. See also definition of "Green Space," and Open Space Standards in Article V.
ORNAMENTAL TREE	See "under story tree."
OUTDOOR ADVERTISING	See Article V, Development Standards.
OUTDOOR DISPLAY OF PRODUCTS FOR SALE	An area of designated size used for the display of seasonal merchandise or tangible property normally sold within the contiguous business or organization.
OUTDOOR RETAIL SALES EVENTS	See Article IV, Use Regulations
OUTDOOR SEATING (WITH A RESTAURANT)	See "Restaurant with Outdoor Seating."
OUTDOOR STORAGE	The on-going placement of goods, products, vehicles and other articles outside of a roofed enclosure. See also Article IV, Use Regulations.

OVER LOT GRADING PLAN	Plan showing proposed grading of a lot and related information. See “grading plan.”
PARAPETS, PENTHOUSES FOR EQUIPMENT AND OTHER ROOF STRUCTURES	A structure mounted on a roof for the purpose of screening, protecting, or facilitating activities within the associated building, but not for purposes of advertising or commercial gain. See also antenna and commercial communication towers.
PARK OR PLAYGROUND	A noncommercial, non-profit facility composed primarily of open land area and improvements, intended to be used for recreation and enjoyment, including both active and passive recreation.
PARKING AREA	Land designed and used for location of parking spaces or loading spaces, or both, or for the storage or display of motor vehicles and related driveways and landscaping.
PARKING BAY	The parking module consisting of one or two rows of parking spaces or stalls and the aisle from which motor vehicles enter and leave the spaces.
PARKING FACILITY, COMMERCIAL	Land designed and used for parking and storage of motor vehicles on a temporary, daily, or overnight basis, and not accessory to a specific principal use. Commercial parking lot includes parking lots located off the site of a principal use and parking lots that are conducted as commercial ventures offering paid parking.
PARKING SPACE, OFF-STREET	An all-weather surface area not in a street or alley and having an area of not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles.
PARKING STRUCTURE	A structure or facility designed with one or more levels or floors partially or fully enclosed and used exclusively for the parking or storage of motor vehicles, whether accessory to a principal use or located off the site of a principal use. The facility may be above, below, or partially below ground. Parking structure includes parking garages and parking decks.
PARKING, OFF-SITE	An off-street parking area provided on a different parcel than the use it is intended to serve.
PAVED SURFACE	Ground surface or structures above the ground covered with clay-fired bricks, concrete recast paver units (including but not limited to grasscrete), poured concrete, blacktop, or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded surface or a surface covered with rolled stone or loose gravel is not a paved surface. See also “Impervious Surface.”
PEAK HOUR TRIPS	The hour-long period on any given day where the number of vehicular trips generated by a land use or group of land uses is the highest, typically occurring within the morning and evening commuter periods.
PERIMETER LANDSCAPE STRIP	Vegetative material, perhaps used with structures (i.e., walls, fences), placed around the perimeter of a lot and used to separate land uses from each other as required by this Chapter.

PERSON	Person shall include but not be limited to human beings, business entities, and non-business entities or organizations. Persons subject to the remedies and penalties set forth in this Chapter may include any person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this Chapter; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use, <u>occupancy</u> , or development of the property on which the violation occurs.
PERSONAL SERVICES, GENERAL	See Article IV, Use Regulations, for a description of activities included in this category.
PERSONAL SERVICES AND RETAIL SALES USES, OTHER	See Article IV, Use Regulations, for a description of activities included in this category.
PET DAY CARE	An establishment where pets are delivered on a recurring basis and kept for less than 24 hours at a time for commercial compensation, but not including a private home in which pet-sitting for animals belonging to another household is done occasionally on a non-commercial basis.
PHARMACY, RETAIL	A business principally devoted to the sale of pharmaceutical items, supplies, and equipment.
PIPESTEM	See "Lot, pipestem."
PORTABLE SIGN	Any mobile sign, not attached securely or permanently to the ground but which, by design, is readily transferable to new locations.
PORTABLE STORAGE UNITS	Self-storage containers that are placed temporarily at the place of residence or business of the customer. See also "Structure, Temporary."
POST SECONDARY EDUCATION AND CAREER SCHOOLS	See "School, Post Secondary Education and Career."
PRELIMINARY SUBDIVISION PLAN	Plan of a subdivision with lot or site layout, as a basis for consideration by the Town prior to the preparation of a record plat and subdivision site plan as described by Chapter 78 of the Town Code.
PRESCHOOL	A school for children primarily between the ages of three and five, providing preparation for elementary school.
PRINCIPAL STRUCTURE	A structure or building having a significant or primary use justifying its own utilization, such as a dwelling or office building, as contrasted to accessory structures which are incidental or subordinate to primary structures and do not alone justify their utilization, such as a tool shed or auto garage used in conjunction with a single family dwelling unit. Certain structures may be either principal or accessory depending upon their utilization, such as a parking garage as an accessory structure to a high-rise apartment or a principal structure when operated commercially.
PRINCIPAL	The significant or primary activity carried out within a structure or upon land.

USE

PRIVATE CLUB	A facility owned or operated by a corporation, association, or group of individuals established for the fraternal, social, or recreational enrichment of its members and whose members pay dues and meet certain requirements for membership.
PRIVATE SHARED PARKING	Off-street parking facilities shared by two or more uses which are close to one another and the parking area, and which have different operational characteristics such that use of the parking facilities by one use will not generally overlap with the use of the parking area by the other use(s).
PRIVATE SWIMMING POOL	See "Private Club."
PRODUCT REPAIR AND SERVICES	Establishments offering repair of goods and equipment servicing, including household appliance repair, upholstering shops, and office equipment services.
PROFFERS	Reasonable conditions, in addition to the regulations provided for the zoning district by this chapter, made in writing by owner of the property that is the subject of a zoning map amendment, in advance of the public hearing required by Code of Virginia, § 15.2-2285. These conditions are found in the application for rezoning and accompanying documents, and may supplement or modify the regulations provided for particular zoning district or zone by the overall zoning ordinance.
<u>PUBLIC ROAD</u>	<u>For purposes of the Chesapeake Bay Preservation Overlay District, public streets or public rights-of-way in the town and publicly owned roads designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (Code of Virginia, § 10.1-560 et seq.) and (ii) the Virginia Stormwater Management Act (Code of Virginia, § 10.2.603.1 et seq.)</u>
PUBLIC SHARED PARKING	Parking spaces or parking facilities open to the public, generally benefiting a certain use, proffered as a condition attached to a conditional rezoning or as an option chosen by a developer or landowner for provision of parking with respect to a site plan or use approval. Public shared parking is provided and financed in part by a developer or landowner to meet parking requirements as set forth in <u>Article V</u> of this chapter for development and in part by the town to provide public parking. In all cases, public shared parking shall be dedicated to the public purposes of providing public parking, revitalization of the downtown, and conserving land, water and the environment; and shall not include any parking spaces that are specifically designated for the benefit of any particular use or property.
QUADRUPLEX	See "Dwelling, Quadruplex."
RECORD PLAT	The final plat that is approved by the Mayor and Town Council, recorded in Land Records Division of the Fairfax County Circuit Court, as described in Chapter 70 of the Herndon Town Code. See "subdivision plat, final."
RECREATION SPACE	Land that is dedicated to recreational pursuits that require physical alteration to the area in which they are performed. Such areas may include but are not limited to playgrounds, ball fields, tennis or other courts, fitness trails, walking paths, or swimming pools.

RECREATIONAL VEHICLE	A towed or motorized mobile unit designed, used or intended to be used for recreational purposes, including temporary human occupancy during travel or recreational use. This definition includes jet skis, snow mobiles, all terrain vehicles, travel trailers, pickup campers, motorized dwellings, tent trailers, boats, boat trailers, house boats and the like.
RECREATIONAL VEHICLE	For purposes of flood insurance and administration of the Floodplain overlay district: A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
RECREATIONAL VEHICLE - PARKING AND STORAGE OF INDIVIDUALLY-OWNED VEHICLES	A facility owned or operated by a corporation, association, or group of individuals established for the perpetual parking and storing of more than three recreational vehicles in an enclosed, secure area.
RECREATIONAL VEHICLE RENTAL AND SALES	The display and sale or rental of recreational vehicles.
RECYCLING COLLECTION FACILITY	An area or facility where business or household consumers may deposit waste and used materials such as glass, metals, paper, wood, cardboard, plastics, and rubber, for recycling.
REDEVELOPMENT	The process of developing land that is or has been previously developed.
RELIGIOUS INSTITUTION	A structure or place where worship ceremonies, rituals, and education pertaining to a particular system of beliefs are held, together with accessory buildings and uses (including buildings used for educational and recreational purposes). Religious institutions may include what are commonly called churches, synagogues, temples, or mosques.
RENTAL TOWNHOUSE RESIDENTIAL DEVELOPMENT	A housing development in which the owner leases each townhouse unit to tenants. These developments are rental properties and function like an apartment complex or other multi-family residential, rental commercial property.
RESEARCH LABORATORY	A facility that is designed or equipped for basic or applied research or experimental study, testing, or analysis in the natural sciences or engineering, including any educational and training activities associated with and accessory to such research.
RESIDENTIAL DISTRICT	R15, residential district; R10, residential district; RTC, townhouse cluster residential district; RM, multiple-family residential district, and single-family and townhouse/apartment areas of PD-R, planned development – residential.
RESIDENTIAL OCCUPANCY	See "Occupancy, Residential."

<u>RESOURCE MANAGEMENT AREA (RMA)</u>	<u>Land that if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the resource protection area. RMA is further described in Herndon Town Code § 78-304(D).</u>
<u>RESOURCE PROTECTION AREA (RPA)</u>	<u>That component of the CBPA comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological process they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters. The elements of an RPA are set out in Herndon Town Code § 78-304(D).</u>
RESTAURANT	Any use or building in which, for compensation, food or beverages are dispensed for consumption on or off the premises, including among other establishments, cafes, tearooms, confectionery shops or refreshment stands.
RESTAURANT, DRIVE-IN	See "Drive-In."
RESTAURANT, WITH DRIVE-THROUGH SERVICE	See "Drive-Through Service Accessory to a Retail Pharmacy, Dry Cleaning Business, and Financial Institution, Eating Establishment or Other Principal Commercial Use."
RESTAURANT, WITH OUTDOOR SEATING	Any restaurant that has on its premises for outdoor or open-air dining by customers on a seasonal or year-round basis, a seating area that is (a) subordinate to, clearly associated with, served by, and on the premises of, the restaurant; and (b) operated as part of the restaurant business and not within any required parking area, open space, sidewalk or public area.
RE-SUBMISSION	An applicant's written response to comments by Town officials on an application that has not received final approval by any reviewing authority.
RETAIL SALES	Establishments that display and offer for retail sale, rental, or lease consumer, home, and business goods and merchandise, including antiques, art, art supplies, barbershop and beauty shop, bicycles, clothing, crafts, decorator supplies, dry goods, electronic equipment, fabric, florist, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry (including sales and repair), pets, pet food, pharmaceuticals, plants, printer material, stationery, and videos
REVIEWING AUTHORITY	The authority designated to make decisions on a specific application as determined by Table 78-200(A), Development Permit Review Procedures, and the description of review roles in Section 78-200, Administrative and Decision-Making bodies.
REVISION	An application to alter any aspect of a plan that was previously approved by a reviewing authority.
ROOFLINE	The juncture of the roof and the perimeter walls of the structure.
ROOMING HOUSE	See "Boarding House".
SALES, CIVIC AND NONPROFIT ORGANIZATIONS	See "Civic and Nonprofit Organizations" and Section 78-403503 , Temporary Uses and Structures.

SALES OF FIREWORKS	See 78- 403503 , Temporary Uses and Structures for provisions governing the sale of fireworks.
SCHOOL, POST SECONDARY EDUCATION AND CAREER	An institution of learning that provides a post-secondary, technical, vocational or any other program awarding credentials, skills, knowledge, degrees, or certificates beyond the high school level, and that may also provide subordinate community education programs such as adult education.
SCHOOL, PUBLIC OR PRIVATE	A public or private institution at the elementary, middle, or high school level that provides educational instruction to students. This definition does not include educational institutions and schools of special instruction.
SCHOOL, SPECIAL INSTRUCTION	Unlike a "Post secondary education and career school," a school of special instruction is primarily devoted to giving instruction and not leading to a career-based degree, diploma, certification, or other qualification. Activities may include classes for recreation, self-improvement, adult education leading to a GED, arts of all kinds, faith-based subjects, language or other special subjects, and not including nursery schools, day care centers or preschools.
SCIENTIFIC RESEARCH AND SCIENTIFIC DEVELOPMENT	Any uses that (a) involve the administration and conduct of investigation, examination or experimentations, but which does not include the operation of laboratory facilities, pilot plants, prototype productions or the assembly, integration, testing, manufacture or production of goods and products on-site, or (b) involves prototype production limited to computer software development, services and data processing facilities.
SCREENING	Plantings, walls, fences or earthen berms of sufficient height and density as determined by the zoning administrator using recognized standards to shield effects of one land use from another abutting land use. This term includes variations or other modes of the word "screening."
SEASONAL SALES OF AGRICULTURAL PRODUCTS AT PRODUCE STANDS	Temporary stands offering for sale plants or seasonal produce at appropriate planting or harvest seasons for the items offered.
SECOND DEGREE OF CONSANGUINITY	A human relationship that includes husbands, wives, parents, children, grandparents, grandchildren, brothers, sisters, aunts, uncles, nephews, nieces, and first cousins, (including "step" or "half" such relationships) as demonstrated by official public records such as drivers' licenses, birth or marriage certificates; or by affidavits. The zoning administrator may require an affidavit in this regard and may reject any such evidence not in the form of an affidavit. A degree of relationship beyond or outside of the second degree of consanguinity, or that cannot be or is not verified to the zoning administrator by documents, does not constitute a "relation" or does not amount to "related" under this chapter.
SELF-SERVICE STORAGE USES	A facility, other than a storage warehouse, with buildings divided into separate compartments that may climate controlled units, used to meet the temporary storage needs of households and small businesses with no commercial transactions permitted other than the rental of the storage units.

SEMI TRAILER	This term shall be defined as it is defined in § 46.2-100, Code of Virginia (1950), as amended, and as may be amended from time to time.
SENIOR CENTER	A place, structure, area, or other facility used for and providing social, educational, or recreational programs or activities for persons age 55 and older, and which may be publicly or privately owned.
SETBACK	The minimum distance by which any building or structure must be separated from the front lot line or any lot line adjoining a street.
SHOPPING CENTER	One or more buildings or establishments located on the same lot or parcel of ground which are built at the same time or over an extended period of time, with land, buildings and appurtenant facilities in a single ownership, or under management or supervision of a central authority or subject to such other supervisory lease, ownership control or agreement. One building shall be deemed a shopping center if, at the time of its construction, another building is ultimately planned by the person responsible therefore, which building is to be connected to the first or original building.
SHRUB	A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground.
SIDEWALK AND PARKING LOT SALES (INCLUDING TEMPORARY RETAIL SALES STANDS OF NON-AGRICULTURAL GOODS)	A temporary, outdoor retail sales event governed by provisions in Article IV for Temporary Use Permits.
SIGHT DISTANCE TRIANGLE	The horizontal and vertical areas at the intersections of streets and/or driveways which must remain unobstructed, in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway. See Article V, Development Standards.
SIGN	Any word, numeral, figure, design, trademark, flag, pennant, twirler, light, display or other device of any kind which, whether singly or in any combination, is used to attract attention, direct, identify, inform, persuade, advertiser for the purpose of visually attracting attention of the public while viewing the sign from outdoors.
SIGN, ARCADE	A sign identifying an individual establishment, intended for pedestrian traffic, not exceeding two square feet, and mounted substantially perpendicular to the building on the underside of a marquee, or similar fixed protective covering.
SIGN AREA	The entire area within four straight lines forming a rectangle (a maximum of two abutting or overlapping rectangles may be used) enclosing the extreme limits of writing, representation, pictorial elements, emblems or a figure of similar character together with all material, color or lighting forming an integral part of the display or used to differentiate the sign from the background against which it is placed, provided that: (1)The area of a double-faced sign shall be considered to be the area of one side only. Should one face contain a larger sign area than the other, the larger face shall be used in calculating the sign area; and (2) The supports, uprights or structure on which any sign is so supported shall not be included in determining the sign area unless such supports, uprights or structure area are designed in

such a manner as to form an integral background of the display.

SIGN, CAMPAIGN	See "Sign, Political."
SIGN, CANOPY	Any sign that is a part of or attached to a structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy sign.
SIGN, CHANGEABLE COPY	Any sign designed so that letters or numbers attached to the sign can be periodically changed to indicate a different message.
SIGN, CONTRACTORS	Any sign bearing the names of contractors, architects, engineers, financial institutions, and the like, or advertising, promotions, price ranges and similar information, which is placed at a construction site that has received site and/or subdivision plan approval.
SIGN, DEVELOPMENT PROJECT	See "Sign, Subdivision."
SIGN, DIRECTIONAL	Any incidental sign that provides on-site or off-site directional assistance for the convenience of motorists or pedestrians, such as a sign indicating the location of exits and entrances and parking lots.
SIGN, DIRECTORY	A ground or building sign that lists tenants or occupants of a building or project, with unit numbers, arrows, or other directional information.
SIGN, FLASHING	A sign, the illumination of which is not constant in intensity when in use, and that exhibits sudden or marked changes in lighting effects.
SIGN, FREESTANDING	A sign which is mounted on a support structure independent of support from any building. The support structure carries no commercial message that differs from the sign message area.
SIGN, FREESTANDING OFF-SITE	A freestanding sign located on a separate parcel of land than the use it serves. See also "Sign, off-site."
SIGN, FUEL	A sign intended to display the price of gasoline, kerosene, or other vehicle fuel.
SIGN, HEIGHT	The maximum vertical distance from the uppermost extremity of a sign or its support to the average ground level at the base of the sign.
SIGN, IDENTIFICATION	A sign bearing the address of the premises or name of the occupant, but containing no logo or commercial message.
SIGN, ILLEGAL	Any sign erected or maintained in violation of a prior sign ordinance or erected, altered, removed, or replaced in violation of this Chapter or any amendments hereto.
SIGN,	A sign with changeable copy and attached to or mounted on top of a marquee.

MARQUEE

SIGN, MOVING	A sign that moves either by its own power, by wind, or otherwise.
SIGN, NEIGHBORHOOD	See "Sign, Subdivision."
SIGN, NONCOMMERCIAL	A sign the message content of which is wholly limited to noncommercial communication. and that has a purpose secondary to the use of the site on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar information and directives. No sign with a commercial message legible from a position off the site on which the sign is located shall be considered secondary.
SIGN, NONCONFORMING	Any sign that met all requirements of the Town at the time it was erected, but does not conform to the requirements of this Chapter or any sign related to a use or business that ceases to exist or operate for a continuous period of 90 days.
SIGN, OFF-SITE	Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event, or location that is not located on the premises upon which the sign is located. This shall not include traffic, directional or regulatory signs or notices erected by a federal, state, county, or municipal government agency.
SIGN, POLITICAL	A sign attracting attention to or expressing support for a candidate for public office or another position regarding a public figure or issues, but bearing no commercial message.
SIGN, PORTABLE	Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs made as A-frames or T-frames; balloons used as signs, umbrellas used for commercial messages; signs held or worn by a person as a costume or as a sign with commercial content; and signs attached to or painted on vehicles or trailers parked and visible from the public right-of-way.
SIGN, PROJECTING	Any sign attached to a building wall and extending laterally more than 18 inches from the face of such wall.
SIGN, REAL ESTATE	A sign advertising real property for sale or for lease.
SIGN, SHINGLE	A sign containing a maximum aggregate sign area of four square feet, mounted by means of one vertical post, not to exceed eight feet in height and one horizontal member not to exceed 3 1/2 feet in length from which such sign shall be hung. The message content of such sign shall be no more than six feet above ground level. It shall also mean a sign containing a maximum aggregate sign area of two square feet mounted on, and perpendicular to, a building, the upper extremity of such sign to be no more than ten feet above ground level
SIGN, SUBDIVISION	A sign that gives the name of a residential or non-residential subdivision or multi-family development
SIGN, TEMPORARY	A short-term sign displayed to (1) Notify the public of special events, grand openings or other significant temporary, nonrecurring incidents or activities not including sales and other common merchandising events (special event temporary sign); or (2) Accommodate an act of God, emergency or other exigency which causes unanticipated disruption or

discontinuance of the display of approved signs or sign or of an approved master sign plan (emergency temporary sign.)

SIGN, VEHICLE	Any sign exceeding two square feet in size displayed on or attached to a vehicle or motor vehicle, located to serve the function of an on-site or an off-site sign, as determined by the zoning administrator using the standards as set out in Section 78-508(A), <i>Purpose</i> .
SIGN, WALL	Any sign attached to or supported by the face or the outside wall of a building. This definition includes window sign.
SIGN, WINDOW	A sign attached to, in front of, or applied directly onto the window surface, or located in the interior of the building within five feet of a window if non-illuminated or within 15 feet if illuminated, and which can be viewed readily by the general public from outside the structure. See " <i>Sign, wall</i> ."
SINGLE-FAMILY DETACHED DWELLING	See "Dwelling, single-family detached."
SINGLE LOT DEVELOPMENT PLAN	A construction plan for a single family detached or duplex dwelling located on an existing lot not subject to a preliminary subdivision plan.
SITE PLAN	Detailed drawings indicating all buildings constructed and improvements required by Article II of this chapter.
SITE PLAN, REVISED	A site plan showing any proposed changes or revisions to an existing, previously approved site plan.
SKETCH PLAN	A sketch of a proposed subdivision or other development and of sufficient accuracy and detail to be used for purposes of discussion and classification.
SOCIAL SERVICE USES	A service or activity undertaken to advance the welfare of persons in need. Social services may include counseling, management of learning or physical disabilities, training in life management skills, vocational skills, related matters, but not a health care facility or educational institution as a primary use. A social service may include accessory uses such as offices, health clinic, or a food and goods distribution facility.
SPECIAL EXCEPTION	A land use not permitted otherwise in a particular district except by a specific action of the Town Council as described in Section 78-202(C) of the Town Code.
STACKING OR STANDING AREA, STANDING SPACES	A portion of the vehicular use area on a site which is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development. Parking or storage of vehicles is not permitted within the stacking/standing area.
<u>STEEP SLOPES</u>	<u>Slopes with a gradient equal to or greater than 15 percent.</u>
STORAGE YARD OR OUTDOOR	The keeping outside of an enclosed structure of any goods, material, merchandise, or equipment in the same place for more than 24 hours, or the outdoor display or offering for sale of any goods, material, merchandise, or equipment.

**SALES/
DISPLAY**

STORMWATER MANAGEMENT DEVICE	The system, or portion thereof, including inlets, conduits, channels, ditches, retention and detention ponds, sand filters, and other bio-retention devices and appurtenances which serve to manage the conveyance of stormwater through and from a given drainage area.
STORY	That portion of a building other than abasement, included between the surface of any floor and the surface of the floor next above it; or if there is no floor above it, then the space between such floor and the ceiling next above it.
STREET	A public or private right-of-way that is designed, dedicated, or used principally for vehicular traffic, and that affords the principal means of access to property abutting the street. See also "Street, Private" and "Street, Public."
STREET FRONTAGE	The distance along which a property line of a lot adjoins a public or private street.
STREET LINE	A dividing line between a lot, tract or parcel of land and a contiguous street.
STREET TREES	See "Tree, Street."
STREET, ARTERIAL	Higher order streets with controlled access which are intended for through or regional traffic moving between urban centers and not intended for local or residential neighborhood traffic. These streets have multiple travel lanes, provide access to regional travel ways, and carry high volumes of traffic.
STREET, COLLECTOR	Streets that penetrate various land use classifications to provide both land access and mobility within neighborhoods and commercial areas. Their primary function is traffic service, collecting traffic from intersecting streets and funneling it to major thoroughfares.
STREET, CUL-DE-SAC	A street with a single means of ingress and egress with a turnaround at the terminus.
STREET, LOOP	A street that has more than one intersection with another street.
STREET, PRIVATE	A way of access to two or more properties, open to vehicular ingress and egress. To be recognized as private street, the access way must be constructed to certain minimum standards in accordance with the Town of Herndon Public Facilities Manual, and owned and maintained by affected property owners. See "Alley."
STREET, PUBLIC	Any improved or unimproved right-of-way owned or maintained by a unit of government.
STRUCTURAL ALTERATIONS	Any change in the supporting members of a building including, but not limited to, bearing walls or partitions, columns, beams or girders or any substantial change in the roof or in the exterior walls.
STRUCTURE, PERMANENT	Any assembly of materials forming a construction for occupancy or use, (other than a fence, retaining wall, surface parking area or small dish antennae) that requires location on the ground or is attached to something having a location on the ground including, but not limited to, advertising signs, billboards, or poster boards. stadiums, circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, storage tanks (underground and aboveground), trestles, swimming pools, amusement devices, storage

bins, or other structures of this general nature.

STRUCTURE, TEMPORARY	A feature, device, container or vehicle such as a trailer, shipping container, tent, recreational vehicles and certain motor vehicles, without a permanent foundation or footing and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
SUBDIVISION PLAT, FINAL	A record plat for a subdivision. See "record plat."
SUBDIVISION SITE PLAN	See Herndon Town Code Chapter 70, Article IV, Definitions. A plan of construction prepared and approved in accordance with the provisions of Chapter 70, and which contains detailed engineering drawings of the proposed uses and improvements required in the development. The subdivision site plan typically shows street alignment, grades, and widths; alignment and widths of easements and rights-of-way for drainage; sanitary sewers, public utilities, streets, roads, pedestrian ways; the arrangement and orientation of lots; locations of buildings; and provision for refuse collection and maintenance.
SUBMITTAL	Formal delivery to the Town by hand, U. S. mail, or courier of a complete development application, including all forms, fees, plans, specifications and other submittal requirements as may be required for specific applications. Items submitted by facsimile or electronic means are not part of the formal submittal.
<u>SUBSTANTIAL ALTERATION</u>	<u>For purposes of the Chesapeake Bay Preservation Overlay District, any expansion or modification of a structure for development that would result in a disturbance of land exceeding an area of 2,500 square feet in the resource management area.</u>
SUBSTANTIAL DAMAGE	For purposes of flood insurance and administration of the Floodplain overlay district: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
SUBSTANTIAL IMPROVEMENT	For purposes of flood insurance and administration of the Floodplain overlay district: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".
<u>SURVEY, BUILDING LOCATION</u>	<u>A plat with bearings and distances for the boundaries and the area of the lot or parcel of land shown in accordance with record data, and determining the location of physical improvements on any parcel of land or lot .For the purposes of this chapter, the building location survey meets the standards describes in Section 78-202(F)(3)(c) Building Location Survey.</u>
<u>SURVEY, HOUSE LOCATION</u>	<u>A plat with bearings and distances for the boundaries and the area of the lot or parcel of land shown in accordance with record data, and determining the location of physical improvements on any parcel of land or lot . The plat is prepared in accordance with the rules and regulations adopted by the Commonwealth of Virginia, Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects (APELSLA) and</u>

reflected in 18 VAC 10-20-380.

TAXICAB SERVICE	A service that offers passenger transportation to individuals. The business may include facilities for servicing, repairing and fueling the taxi vehicles.
TELECOMMUNICATION SWITCHING STATION	See "Communication/Transmission Warehousing."
TEMPORARY ASSEMBLY SITE FOR DAY WORKERS	A place where workers or potential workers assemble to seek or accept casual, intermittent, or temporary work off-site; where employers, or potential employers, visit to hire or to seek to hire workers for such work; and as to which the zoning approval is limited in duration. The temporary assembly site for day workers may be referred to as "the site."
TEMPORARY VEHICLE WASHES BY CIVIC AND NONPROFIT ORGANIZATIONS	A temporary event governed by Section 78-503, Temporary Uses and Structures, and hosted by a locally-based civic or nonprofit organization as defined herein, for the purpose of fundraising for a charitable cause and consisting of a full-service wash provided by volunteers or the organization.
TEMPORARY OFFICE FACILITIES (INCLUDING REAL ESTATE SALES OFFICES)	The temporary use of a structure such as a trailer, shipping container, or recreational vehicle in conjunction with construction or associated real estate sales or leasing, including those located in a model unit of a residential project, or used during construction to expand or replace a permanent building, and governed by the provisions in 78-503, Temporary Uses and Structures.
TEMPORARY PARKING FOR SPECIAL EVENTS	See provisions in 78-503, Temporary Uses and Structures.
TEMPORARY SALES	See provisions in 78-503, Temporary Uses and Structures.
TEMPORARY STRUCTURE	See "Structure, Temporary."
TEMPORARY USES	A use established for a fixed period of time, with the intent to discontinue such use upon the expiration of such time, and that does not involve the construction or alteration of any permanent structure. See provisions in 78-503, Temporary Uses and Structures.
TEMPORARY USES ON TOWN PROPERTY	A temporary use established on any property owned or managed by the Town of Herndon.
THEATER	A building or part of a building used for showing motion pictures or theatrical, musical, dance, or other live performances on a paid admission basis.

TOWING SERVICE	The removing of an automobile by towing, carrying, hauling, or pushing from public or private property when such vehicle has been ordered to be impounded to a public or private impound lot. This shall not include an “automobile servicing” use that has a tow truck and repair vehicles on site. It shall not include the impoundment and storage of vehicles.
TOWNHOUSE DWELLING	See “Dwelling, Townhouse.”
TRAFFIC IMPACT STUDY	A document required of applicants under certain circumstances as described in Section 78-501(B) of the Town Code to help Town officials evaluate a development application.
TRAILER	This term shall be defined as it is defined in § 46.2-100, Code of Virginia (1950), as amended, and as may be amended from time to time.
TRANSIENT LODGING BUSINESS	A use where transient lodging, lodging and meals, or meals are provided to individuals for money or other thing of value.
TRANSITIONAL USE	A use intended to permit a more gradual change of the character of uses at or near the boundaries of districts which have different use regulations and which maybe permitted by the board of zoning appeals in accordance with the provisions of Article IV of this chapter.
TREE CANOPY	The leaves and branches composing the crown of one or more self-supporting woody plants which can reasonably be expected to achieve a mature height of 30 feet or greater. See also “Canopy Tree.”
TREE PROTECTION ZONE	The portion of a development site located under a tree canopy area to be retained during the development process.
TREE, DECIDUOUS	A tree that annually drops its foliage before becoming dormant.
TREE, EVERGREEN	A tree with foliage that is not dropped, or which remains green throughout the year.
TREE, STREET	Canopy or shade trees planted at regular intervals within or adjacent to existing street rights-of-way.
UNDERSTORY TREE	A tree that has an expected height at maturity no greater than 30 feet.
UTILITIES, MAJOR	Infrastructure services providing regional or community-wide service. Major utilities include water towers; wastewater treatment plants; potable water plants; and public transit park and ride facilities; major electrical transmission wires, fiber optic cable, and electrical substations.
UTILITIES, MINOR	Infrastructure services that need to be located in or near the neighborhood where the service is provided. Minor utilities include water and sewage pump stations; stormwater retention and detention facilities; ordinary poles, lines, and pipes for local distribution; transformers; rights-of-way and utility easements; telephone exchanges; and surface transportation stops.
UTILITY STRIP	A vegetated strip of ground typically located between the sidewalk and the back of curb or edge of pavement of a public or private street. The utility strip is usually intended for the placement of street trees and underground or above ground utilities.

**UTILITY-
RELATED
MAINTENANCE
AND STORAGE
YARDS**

Outdoor storage accessory to a major or minor utility.

VARIANCE

[from Code of Virginia]: a reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done. It shall not include a change in use which change shall be accomplished by a rezoning or by a conditional zoning, a relaxation of the terms of the zoning chapter that will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts.

VDOT

Virginia Department of Transportation

**VEHICLE FUEL
SALES WITH
OR WITHOUT
CONVENIENCE
STORE**

Any buildings and premises wherein the sole use is the supply and/or dispensation at retail of gasoline, oil, grease, batteries, tires, and/or motor vehicle accessories and where, in addition, the following services may be rendered and sales made, but only as accessory and incidental to the use: (1) Sales and servicing of spark plugs, batteries and distributors and distributor parts; (2) Tire servicing and repair, but not recapping or reproofing; (3) Replacement of mufflers and tailpipes, water hoses, fan belts, break fluid, light bulbs, fuses, floor mats, windshield wipers and wiper blades, grease retainers, wheel bearings, oil filters, mirrors and the like; (4) Washing and polishing, and sale of automotive washing and polishing materials; (5) Greasing and lubrication and radiator flushing; (6) Minor servicing and repair of carburetors, fuel pumps, water pumps and lines and minor motor adjustments; (7) Installation and repair of electrical wiring; (8) Adjusting and repairing brakes; (9) In addition to automotive products, sales to be limited to soft drinks, packaged foods and tobacco products; (10) Provision of road maps and other information material to customers, and provision of restroom facilities; (11) State inspections on automobiles; Uses permissible at a service station shall not include major mechanical and body work, repair of transmissions or differentials, straightening of body parts, painting, welding or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in-service stations.

VEHICLE SIGN

See "Sign, Vehicle."

VEHICLE

This term, excluding bicycles, shall be defined as it is defined in § 46.2-100, Code of Virginia (1950), as amended, and as may be amended from time to time.

**VEHICLE,
COMMERCIAL**

See Section 42-1 of the Herndon Town Code.

VEHICLE, INOPERABLE MOTOR	See Section 26-306 of the Herndon Town Code.
VEHICLE, JUNK	A motor vehicle, recreational vehicle, trailer or semi-trailer which has been abandoned or is being held for salvage, scrap or for any purpose other than to restore it to its intended use or to restore it for expository purposes. It shall be presumed to be a junk vehicle if no license plates are displayed, or if the license plates displayed have been invalid for more than 90 days, or if the vehicle remains in an inoperable condition for more than 90 days. No vehicle stored in a completely screened area shall be deemed a junk vehicle. See also "Vehicle, Inoperable motor."
VEHICLE RENTAL AND SALES AS A PRINCIPAL USE	Premises on which new or used passenger automobiles, trailers, trucks and other vehicles in operating condition are displayed for sale, lease, or rental. This use does not include the rental, storage, or maintenance of large construction equipment.
VEHICLE REPAIR; TRANSMIS- SION AND MUFFLER SHOPS	General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.
VEHICLE, SALES OF PARTS AND TIRES	Premises and which new vehicle parts, tires and accessories are sold and may include installation of minor parts but not the sale of used parts or tire recapping establishments.
VEHICLE SERVICING	The replacement or repair of any automobile part that does not require removal of the engine head or pan, engine transmission, or differential; incidental body and fender work; minor painting; upholstering service; and oil change and lubrication. See also "Vehicle Fuel Sales with or without Convenience Store."
VEHICLE WASH ACCESSORY TO OTHER AUTOMOTIVE USES	An automated vehicle wash operating as an accessory to a use involving vehicle fuel sales, vehicle rental and sales, vehicle repair, vehicle parts and tire sales, or vehicle servicing. This use is governed by provisions for drive through establishments in Article IV.
VEHICLE FULL- SERVICE WASH AND DETAILING	The use of a site for hand-washing, hand cleaning, and detailing of passenger vehicles, recreational vehicles, or other light duty equipment. Automated vehicle washes are not included in this definition.
VEHICULAR USE AREA	The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.
VEHICULAR USE AREA LANDSCAPING,	Vegetative material, structures (walls or fences), berms, and associated ground cover located within the interior of a parking lot, or other vehicular use area for the purposes of providing visual relief and heat abatement.

INTERIOR

VEHICULAR USE AREA LANDSCAPING, PERIMETER	Vegetative material, structures (walls or fences), berms, and associated ground cover located around the perimeter of a parking lot, or other vehicular use area when such areas are adjacent to a street right-of-way or residentially zoned or used property for the purposes of screening the vehicular use area from off-site views.
VETERINARY CLINIC	The commercial provision of medical or animal care services and treatment when conducted solely on the basis of travel by the treating individual(s) to the site where the treated animal is located; veterinary or grooming services performed solely on a "house call" basis.
WAIVER	For site plans, an action as described in Section 78-202(F)(10) of the Town Code.
WALL	As used in required landscaping, a structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening.
WAREHOUSE, DISTRIBUTION	A structure or facility for the ongoing receipt, storage, and distribution of goods, products, cargo, or materials, or for the breakdown or consolidation of orders for goods, products, cargo, or materials, to or from sources for distribution to various recipients and locations. Also called "distribution center."
WAREHOUSE, STORAGE	A structure or facility used primarily for the storage of goods and materials by the owner of the goods or operated for a specific commercial establishment or group of establishments in a particular industrial or economic field.
<u>WATER BODY WITH PERENNIAL FLOW</u>	<u>A body of water flowing in a natural or open man-made channel year-round, except during periods of drought. The term "water body with perennial flow" includes perennial streams, estuaries and tidal embayments. A perennial stream means any stream that is both perennial and so depicted on the map of Chesapeake Bay Preservation Areas, adopted by the town council. Lakes and ponds that form the source of a perennial stream, or through which the perennial stream flows, are part of the perennial stream. The width of the perennial stream may be measured from either (i) top-of-bank to top-of-bank on the opposite side of the stream or (ii) from Ordinary High Water Mark (OHWM) to the OHWM on the opposite side of the stream, as defined by 33 CFR Part 328.3(e), as determined by the zoning administrator. Ponds or lakes are to be measured from the limits of the normal water level. Generally, the water table is located above the streambed for most of the year and groundwater is the primary source for stream flow.</u>
<u>WATER- DEPENDENT DEVELOPMENT</u>	<u>A facility or development that cannot exist outside of the RPA and must be located in the stream proximity by reasons of the intrinsic nature of the operation. These facilities include intakes and outfalls of storm sewers, stream restoration projects, and public water-oriented recreation areas.</u>
WATER QUALITY IMPACT ASSESSMENT, <i>minor and major</i>	A report described in provisions for the Chesapeake Bay Preservation Area Overlay District, Section 78-304(D)(11)(10) of the Town Code.

<u>WETLANDS</u>	<u>Any tidal and nontidal wetlands that meet the unified federal definition as delineated by hydrology, soils and vegetative characteristics. See CFR, Title 33, Navigation and Navigable Waters, Chapter II, Part 328, Section 3.</u>
WHOLESALE ESTABLISHMENT	Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. Wholesale establishment does not include contractor's materials or office or retail sales of business supplies/office equipment.
YARD	That portion of a lot area and the space above it not containing any portion of a principal structure, except as otherwise provided in this chapter.
YARD, FRONT	A yard extending across the front of a lot between the side lot lines, the minimum depth of which is the required setback. On corner lots, the front yard shall be considered as parallel to the streets upon which the lot has frontage.
YARD, REAR	A yard extending across the rear of the lot between the side lot lines on interior lots, the depth of which is the minimum parallel distance between the rear lot line and the rear of the main building.
YARD SALE	See "Garage and/or Yard Sales"
YARD, SIDE	A yard between the main building and the side line of the lot and extending from the setback line to the rear yard on interior lots, the width of which being the minimum horizontal distance between the side lot line and the side of the main building.
ZONING MAP AMENDMENT	An action to amend the Town's official zoning map as provided in Section 78-202(A) of the Town Code.
ZONING ADMINISTRATOR DETERMINATION	An interpretation of Chapter 78 by the zoning administrator as provided in Section 78-202(L) of the Town Code.
ZONING VERIFICATION LETTER	A letter by the zoning administrator and provided upon written request from a property owner or agent to verify the zoning status of a property.